



H.R. 2764 - Foreign Operations Appropriations/Consolidated Appropriations Bill

EXECUTIVE SUMMARY

The House-passed appropriations bills totaled \$955 billion, which was \$22 billion above the President's requested levels. Up to this point, only the Fiscal Year 2008 Department of Defense Appropriations Bill has been signed into law (PL 110-116).

Despite being passed by both the House and Senate by September 6, 2007, the Fiscal Year 2008 Military Construction – Veterans Affairs Appropriations Conference Report has yet to be passed by the House and Senate and sent to the President. Iraq supplemental funding is not included in this omnibus legislation, but is expected to be added by the Senate.

The Democrats did pass a Fiscal Year 2007 Labor, Health and Human Services Appropriations Bill, which was vetoed by the President because of its increased spending levels. A veto override vote failed by a vote 277 to 144 on November 15, 2007.

This omnibus appropriations bill does include \$31 billion for Afghanistan, which includes a provision prohibiting the funds from being used for operations in Iraq. The bill also includes \$7.6 billion in emergency spending.

SUMMARY

Afghanistan Funding

The bill provides \$31.030 billion for operations in Afghanistan, including:

- Military Personnel: \$330.529 million
- Operation and Maintenance: \$21.441 billion
- Afghanistan Freedom Fund: \$2.529 billion
- Joint IED Defeat Fund: \$4.269 billion
- Procurement: \$2.344 billion
- Defense Health Program: \$114.6 million

The bill also requires the President to submit to Congress by February 15, 2008, a comprehensive regional stability plan for the Middle East. Included in the plan will be "a detailed description of the projected United States military force presence in and around the Middle East region for the 5 year period beginning on October 1, 2008.

The bill specifically prohibits any funding from being used to fund Operation Iraqi Freedom.

**Note: The Senate is expected to add additional funds for Operation Iraqi Freedom.*

Emergency Spending

The bill includes \$11.1 billion for emergency spending.

A-76 Competitive Sourcing

Restrictions on A-76 Competitive sourcing appear throughout the omnibus appropriations bill.

**Note: OMB circular A-76 provided a federal policy for the competition of commercial activities in order to reduce cost and increase efficiency. Democrats have routinely inserted language in appropriations bills prohibiting the implementation of this policy in multiple agencies.*

Division A – Department of Agriculture Appropriations bill for FY2008

Appropriations Chart (funding in millions)

Title	FY2007 Enacted	President's FY2008 Request	House	Senate	Omnibus
Title I - Agriculture Programs	6,536	6,646	6,687	6,772	6,633
Title II - Conservation Programs	853	826	980	973	938
Title III - Rural Development Programs	2,500	2,049	2,474	2,358	2,334
Title IV - Domestic Food Programs	5,524	5,630	5,990	6,067	6,374
Title V - Foreign Assistance and Related Programs	1,479	1,496	1,487	1,495	1,476
Title VI - Related Agencies and FDA	1,672	1,757	1,805	1,876	1,828
Rescissions and Offsets	(764)	(604)	(603)	(711)	(1,490)
TOTAL, Net Discretionary	17,800	17,800	18,820	18,830	18,093
<i>Emergency Spending</i>					
<i>Ag Disaster Assistance</i>	3,600	-	-	-	622
<i>WIC</i>	-	-	-	-	400
<i>Total Emergency Spending</i>	3,600	-	-	-	1,022

Emergency Funding

- Disaster Assistance: \$602 million
- Farm Service Agency (salaries): \$20 million
- WIC, Special Supplemental Nutrition Program: \$400 million

Policy Provisions

- **Farm Bill:** The bill includes an extension of Farm Bill Programs (that need to be extended) through March 15, 2008.

**Note: The current Farm Bill programs have been operating through a temporary extension since September 30, 2007. The House and Senate have both passed Farm Bills, but have not convened a conference. The President issued a veto threat on both the House and Senate version of the legislation.*

Division B – Commerce, Justice, Science Appropriations bill for FY2008

Appropriations Chart (funding in millions)

Title	FY2007 Enacted	President's FY2008 Request	House	Senate	Omnibus
Title I - Department of Commerce	6,628.0	6,599	7,021	7,292	6,859
Title II - Department of Justice	22,979.0	22,119	23,745	24,264	23,363
Title III - Science	22,207.0	23,744	24,127	25,019	23,380
Title IV - Related Agencies	801.0	763	846	900	809
Rescissions and Offsets	(2,271.0)	(2,110)	(2,188)	(3,071)	(2,608)
TOTAL, Net Discretionary	50,344.0	51,115	53,551	54,404	51,803
<i>Emergency Spending</i>					
<i>Border Security</i>	356	0	0	-	40
<i>Cyber Security *</i>	0	146	0	-	146
<i>Convention Security **</i>	0	0	0	100	100
<i>NASA</i>	20	0	0	1,000	-
<i>TOTAL, Emergency Spending</i>	376	0	0	1,100	286

**President requested on November 6 as regular appropriation to be offset primarily from mandatory, rather than discretionary, spending.*

***Senate included \$100 million in emergency spending as a floor amendment in both the Homeland Security and Mil-Con VA bills.*

Emergency Funding

- DOJ, Review and Appeals: \$8 million
- General Legal Activities: \$10 million
- U.S. Attorneys (salaries and expenses): \$7 million
- U.S. Marshalls (salaries and expenses): \$15 million
- FBI (salaries and expenses): \$143.639 million
- DEA (salaries and expenses): \$2 million
- Presidential Convention Security: \$100 million

Policy Provisions

- **Patent Trademark Office:** Prohibits the Patent and Trademark Office from enforcing any trademark for the phrase “Last Best Place.”

**Note: The trademark of this phrase has been in dispute for several years. A similar provision has been signed into law.*

- **Space:** \$4 billion for space shuttle operations and \$2.2 billion for the International Space Station.

Division C – Energy and Water Development Appropriations bill for FY2008

Appropriations Chart (funding in millions)

Title	FY2007 Enacted	President's FY2008 Request	House	Senate	Omnibus
Title I - DOD Civil	5,338	4,871	5,584	5,448	5,587
Title II - Department of Interior	1,059	1,001	1,073	1,143	1,151
Title III - Department of Energy	24,093	24,763	25,243	25,898	24,447
Title IV - Independent Agencies	310	253	238	301	281
Rescissions and Offsets	(505)	(415)	(537)	(518)	(578)
TOTAL, Net Discretionary	30,296	30,473	31,601	32,272	30,888

Policy Provisions

- **Workforce Restructuring:** The bill prohibits funding for the Department of Energy to carry out any workforce restructuring or provide enhanced severance benefits for employees of the Department of Energy.

Division D – Financial Services and General Government Appropriations Act for FY2008

Appropriations Chart (funding in millions)

Title	FY2007 Enacted	President's FY2008 Request	House	Senate	Omnibus
Title I - Department of Treasury	11,625	12,136	12,256	12,248	11,995
Title II - EOP	719	737	721	726	682
Title III - Judiciary	5,599	6,107	5,854	5,933	5,817
Title IV - DC	591	598	655	614	610
Title V - Independent Agencies	2,446	2,852	3,106	3,317	2,655
Rescissions and Offsets	(1,462)	(753)	(1,160)	(1,154)	(1,159)
TOTAL, Net Discretionary	19,518	21,677	21,432	21,684	20,599
<i>Emergency Spending</i>					
<i>Border Security</i>	-	-	-	-	250
<i>Total, Emergency Spending</i>	-	-	-	-	250

Emergency Funding

- Court of Appeals, District Courts and Judicial Services: \$14.5 million
- Defender Services: \$10.5 million
- GSA, Federal Building Fund (homeland border security initiative): \$225 million

Policy Provisions

- **Cuba Provisions:** The bill removed House-passed provisions that would have weakened current sanctions against Cuba.

Division E – Department of Homeland Security Appropriations bill for FY2008

Appropriations Chart (funding in millions)

Title	FY2007 Enacted	President's FY2008 Request	House	Senate	Omnibus
Title I - Departmental Management and Operations	1,012	1,092	779	1,090	976
Title II - Security, Enforcement, and Investigations	22,457	25,424	25,628	25,786	24,809
Title III - Protection, Preparedness, Response, and Recovery	6,981	6,322	8,392	8,060	7,731
Title IV - Research and Development, Training, and Services	1,799	1,654	1,626	1,704	1,584
Rescissions and Offsets	(344)	(180)	(163)	102	(247)
TOTAL, Net Discretionary	31,905	34,313	36,262	36,439	34,852
<i>Emergency Spending</i>					
<i>Border Security *</i>	1,829	-	-	3,000	2,710
<i>Total, Emergency Spending</i>	1,829	-	-	3,000	2,710

**Omnibus includes a total of \$3 billion for Border Security allocated among Homeland, Financial Services, and CJS divisions.*

Emergency Funding

- Model ports of entry: \$40 million
- Terrorist Prevention System Enhancements for Passenger Screening: \$45 million
- Electronic Travel Authorizations: \$36 million
- WHTI: \$150 million
- Border Patrol Vehicles: \$13 million
- Air and Marine Personnel Compensation and Benefits: \$14 million
- Border Security Fencing and Infrastructure: \$1.053 billion
- Air and Marine Procurement: \$94 million
- Border Patrol Construction: \$61 million
- ICE Vehicle Replacements: \$4 million
- ICE Investigations: \$50.2 million
- ICE Detention and Removal Operations: \$261 million
- ID and Removal of Criminal Aliens: \$200 million

- Federal Protective Service: \$10.5 million
- Coast Guard Port and Maritime Security: \$60 million
- Operational Centers for Port Security: \$60 million
- US VISIT: \$275 million
- Operation Stonegarden: \$60 million
- REAL ID Grants: \$50 million
- E Verify Program: \$60 million
- FBI Background Check Backlog: \$20 million
- Federal Law Enforcement Training Center (Construction): \$4 million

Policy Provisions

- **Border Fence:** Prohibits \$650 million for border fencing and barriers until a plan for expenditures is sent to and approved by the Appropriations Committees. The plan should include several certifications and a GAO review. A similar provision is included for US-VISIT.

Division F – Department of Interior, Environment, and Related Agencies Appropriations

Appropriations Chart (funding in millions)

Title	FY2007 Enacted	President's FY2008 Request	House	Senate	Omnibus
Title I - Department of Interior	9,936	9,713	10,156	10,119	9,908
Title II - Environmental Protection Agency	7,725	7,204	8,096	7,778	7,467
Title III - Related Agencies	8,821	8,776	9,384	9,335	9,209
	(78)	(35)	(29)	(82)	(29)
TOTAL, Net Discretionary	26,404	25,658	27,607	27,150	26,555
<i>Emergency Spending</i>					
<i>Wildfire Suppression</i>	465	0	0	0	300
<i>Total, Emergency Spending</i>	465	0	0	0	300

Emergency Spending

- Wildfire Suppression: \$300 million

Policy Provisions

- **Royalty and Offshore Mineral Management:** The Omnibus bill includes language that delays oil or gas drilling in Alaska's Bristol Bay until after comprehensive studies on the safety and environmental effects of drilling have been completed.

- **Outer Continental Shelf:** Continues the prohibition of expenditure of funds for Outer Continental Shelf leasing activities for California, the North Atlantic, Washington, Oregon, and the Gulf of Mexico near Florida.
- **Oil and Gas Leases:** Continues the prohibition of expenditure of funds for oil and gas leasing activities in the Mid-Atlantic and South Atlantic planning areas.
- **Oil Shale:** The Omnibus bill delays the Secretary of the Interior from implementing oil shale regulations until completion of the Programmatic Environment Impact Statement (PEIS) and extensive review by the States.
- **Federal Royalties for Energy Development:** The Omnibus bill does not contain the language prohibiting the Interior Department from issuing new leases for oil or gas, which was contained in the version passed by the House earlier this year. The provision was aimed at forcing energy companies to renegotiate new leases that would include the payment of federal royalties. During the 1990's, the Interior Department issued leases that suspended royalty payments to the federal government in order to spur energy production.
- **Commission on Climate Change:** The Omnibus bill removes the provision previously passed by the House that would have established a Commission on Climate Change Adaptation and Mitigation to analyze the science needs of the federal government with regard to climate change adaptation and mitigation. This Commission, which was not requested by the Administration, was proposed to be appropriated \$50 million.
- **Climate Change Sense of Congress:** The Omnibus bill states that it is the sense of the Congress that there should be enacted a comprehensive and effective national program of mandatory, market-based limits and incentives on emissions of greenhouse gases that slow, stop, and reverse the growth of such emissions at a rate and in a manner that:
 - Will not significantly harm the United States economy; and
 - Will encourage comparable action by other nations that are major trading partners and key contributors to global emissions.

Division G – Labor, HHS, Education, and Related Agencies Appropriations Act
Appropriations Chart (funding in millions)

Title	FY2007 Enacted	President's FY2008 Request	House	Senate	Omnibus
Title I - Department of Labor	11,686	10,964	11,844	11,935	11,650
Title II - Department of Health and Human Services	64,054	63,195	68,366	68,140	65,531
Title III - Department of Education	57,473	56,225	60,115	58,124	57,198

Title IV - Related Agencies	11,522	11,726	11,894	12,108	11,933
Rescissions and Offsets	(210)	(1,194)	(500)	(450)	(1,471)
TOTAL, Net Discretionary	144,525	140,916	151,719	149,857	144,841
<i>Emergency Spending</i>					
<i>LIHEAP</i>	-	-	-	-	250
<i>World Trade Center Worker Health</i>	50	-	-	-	57
<i>Total, Emergency Spending</i>	50	-	-	-	307

Emergency Spending

- LIHEAP: \$250 million

Policy Provisions

- **Drug Re-importation:** The Omnibus bill drops a Senate-passed provision that would have prohibited funds from being used to prevent individuals from importing prescription drugs from Canada.
- **Funding for Attendance at International Conference:** The bill drops a House-passed provision prohibiting the use of funds for the attendance of more than 50 employees from a Federal agency at any international conference.
- **Prohibition on the Bethel Museum:** The bill removed language previously included prohibiting funding to the “hippie museum,” which was inserted as an earmark by Senators Clinton and Schumer.
- **Human Papilloma Virus (HPV) Vaccine:** The bill drops a House-passed provision that would have prevented any funding for implementing a mandatory HPV vaccination for school attendance.
- **Mine Safety Regulations:** The Omnibus requires the Mine Safety and Health Administration (MSHA) to revise its rules to prohibit the use of belt air for underground mine ventilation unless approved by the Secretary (by December 31, 2008) and to issue rules requiring the installation of refuge chambers in the working areas of underground mines (by December 31, 2008).

Division H – Legislative Branch Appropriations for FY2008

Appropriations Chart (funding in millions)

Title	FY2007 Enacted	President's FY2008 Request	House	Senate	Omnibus
Senate	804	893	-----	842	832
House of Representatives	1,144	1,235	1,199	-----	1,183
Joint Items	24	29	21	26	24
Capitol Police	266	299	286	284	281
Office of Compliance	3	4	4	4	3
Congressional Budget Office	35	38	38	39	37
Architect of the Capitol	450	482	348	353	414
Library of Congress	509	662	573	577	562
Government Printing Office	122	182	123	139	125
Government Accountability Office	481	523	503	510	500
Open World Leadership Center	14	14	6	14	9
Stennis Center for Public Service	0.43	0.43	0.43	0.43	0.429
TOTAL SPENDING	3,852	4,361	3,101	2,788	3,970

Policy Provisions

- **FDA Building:** The bill provides \$16 million for the former FDA building, known as Federal Office Building 8, located adjacent to the Ford House Office Building. The intent is for the House to occupy 200,000 square feet of this building, with a total cost to the House and the Architect of the Capitol of \$55.6 million, at a minimum.
- **Staff-led Capitol Tours:** The bill prohibits the Architect of the Capitol from stopping Staff-led tours of the Capitol except at the direction of Capitol Police.
- **Green Roofing Pilot Project:** The bill initiates a pilot project to evaluate green roof technology at the Cannon and Longworth House Office Buildings.

- **Library of Congress Police and Capitol Police:** The Omnibus bill includes language finalizing the merger of the Library of Congress Police and the Capitol Police.

Division I – Military Construction, VA Appropriations bill for FY2008

Appropriations Chart (funding in millions)

Title	FY2007 Enacted	President's FY2008 Request	House	Senate	Omnibus
Title I - Department of Defense	17,931	21,165	21,372	21,557	20,630
Title II - Veterans Affairs	38,265	39,417	43,210	43,014	39,408
Title III - Related Agencies	149	163	163	174	166
TOTAL SPENDING	56,345	60,745	64,745	64,745	60,204
<i>Emergency Spending</i>					
Veterans Affairs (regular)	1,800	-	-	-	-
Veterans Affairs (contingent)*	-	-	-	-	3,691
<i>Total Emergency Spending</i>	<i>1,800</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>3,691</i>

**These funds will only be available for expenditure if the President requests that they be made available by January 18, 2008.*

Emergency Funding

- National VA Cemetery Administration: \$28.191 million

Policy Provisions

- **Construction of U.S. bases:** The bill prohibits the construction of new bases in the United States without a specific appropriation.
- **U.S. Steel:** The bill prohibits the procurement of steel unless American manufacturers have competed for the contract.
- **Prosthetic Research:** The bill appropriates \$480 million for Medical and Prosthetic Research.
- **“Energy Star” Lightbulbs:** The bill removed a House-passed provision that would have prohibited the use of funds to purchase light bulbs that did not have the “Energy Star” designation.

Division J – State and Foreign Operations Appropriations

Appropriations Chart (funding in millions)

Title	FY2007 Enacted	President's FY2008 Request	House	Senate	Omnibus
Title I - Department of State	9,544	10,601	10,501	10,460	10,083
Title II - Export and Investment	(90)	(109)	(118)	(117)	(116)
Title III - Bilateral Economic Assistance	15,627	17,852	17,286	17,325	16,633
Title IV - Military Assistance	4,860	4,847	4,887	4,938	4,764
Title V - Multilateral Economic Assistance Funds Appropriated to the President	1,599	1,788	1,686	1,736	1,594
Rescissions and Offsets	(231)	-	-	(40)	(158)
TOTAL, Net Discretionary	31,308	34,979	34,242	34,302	32,800
<i>Emergency Spending</i>					
<i>State Department Operations (including Iraq) and Foreign Assistance</i>	4,628	5,595	-	-	2,385
<i>Total Emergency Spending</i>	4,628	5,595	-	-	2,385

Emergency Spending

- International Broadcasting Operations: \$12 million
- Diplomatic and Consular Affairs: \$575 million
- International Peacekeeping: \$468 million
- International Disaster Assistance: \$110 million
- Global Health and Child Survival: \$115 million
- Military Financing: \$100 million
- Economic Support Fund: \$542.568 million
- Peace Keeping: \$35 million
- USAID: \$205.8 million

Policy Provisions

- **Abortion Language:** The pro-life riders that have traditionally been carried on appropriations bill are all included in this omnibus bill. Additionally, language that sought to weaken the “Mexico City Policy,” which was included in the House and Senate bills, has been removed.

**Note: The Mexico City Policy was an executive order that requires international family planning assistance to be directed to non-governmental organizations that do not perform abortions as a method of family planning.*

- **Millennium Challenge Corporation (MCC):** The bill provides \$1.54 billion for the Millennium Challenge Corporation, which is \$208 million below FY2007 and \$1.45 billion below the President's request.
- **Cuba Provisions:** The bill removed House-passed provisions that would have weakened current sanctions against Cuba.
- **Iraq:** The bill prohibits funds from being used for assistance for Iraq, except for some funds to rescue Iraqi scholars and to remove and dispose of land mines and other unexploded ordnance, or for assistance to refugees and IDPs.
- **Plan Colombia:** The bill significantly changes the manner in which this funding is allocated to Colombia– increasing economic assistance and dramatically reducing counter-drug assistance – compared to the President's request. With this reallocation, the bill attempts to shift the strategy to concentrate more on humanitarian assistance and rural development.

Division K – Transportation, HUD and Related Agencies Appropriations

Appropriations Chart (funding in millions)

Title	FY2007 Enacted	President's FY2008 Request	House	Senate	Omnibus
Title I - Department of Transportation (Discretionary Funding)	11,362	12,169	11,875	12,328	11,049
Title II - Department of Housing and Urban Development	36,213	35,597	38,666	38,737	37,637
Title III - Other Independent Agencies	223	234	235	235	415
Rescissions and Offsets	(1,131)	(41)	(39)	(244)	(200)
TOTAL, Net Discretionary	46,667	47,959	50,737	51,056	48,901
<i>Emergency Spending</i>					
<i>Emergency Road Repairs</i>	913	-	-	195	195
<i>Total Emergency Spending</i>	913	-	-	195	195

Emergency Spending

- \$195 million for the I-35 bridge repair in Minnesota.

Policy Provisions

- **Federal Aviation Administration:** The bill includes an extension of the FAA through March 1, 2008.

**Note: The current authorization has been temporarily extended in the current continuing resolution. The House has passed a re-authorization bill (H.R. 2881), but the Senate has not (S. 1300).*

- **Aviation Insurance Revolving Fund:** The bill continues war risk insurance and the limitation on air carrier liability arising out of acts of terrorism until December 31, 2008.

**Note: According to the SAP for H.R. 3074 issued on July 23, 2007, "the Administration opposes the one-year extension for the war risk insurance program for domestic air carriers, which crowds out private sector mechanisms for diversifying risk."*

- **Airport Security Badges:** The bill includes a provision that would provide a civil penalty of \$10,000 for an employer that fails to collect an airport security badge on the date the employee is terminated.

- **Toll Roads:** Prohibits tolling in the State of Texas.

- **Federal Highway Aid:** The bill provides \$40.2 billion in total highway funding, the same level guaranteed in SAFETEA-LU and the House funding level, which is \$1.25 billion more than FY2007 and \$631 million over the President's request.

**Note: The Highway Trust Fund is expected to be more than \$4 billion short by FY2009. The Committee on Transportation and Infrastructure has jurisdiction over the income and spending of the Trust Fund.*

- **U.S. – Mexico Cross-border Trucking:** The conference report prohibits the use of funds to implement the cross-border truck pilot program.

**Note: In submitting comments to the Federal Register, the President noted: "the Department of Transportation is authorized to act on applications, submitted by motor carriers domiciled in Mexico, to obtain operating authority to provide cross-border scheduled bus services and cross-border truck services. In reviewing such applications, the Department shall continue to work closely with the Department of Justice, the Office of Homeland Security, and other relevant Federal departments, agencies, and offices in order to help ensure the security of the border and to prevent potential threats to national security."*

- **AMTRAK:** The bill provides \$1.325 billion in total funding for AMTRAK. This includes \$475 million for Operating Grants for Amtrak (\$475 million more than the President requested) and \$850 million for Capital and Debt Service Grants (\$350 million more than requested.)

**Note: According to the SAP for H.R. 3074 issued on July 23, 2007, “the Administration strongly objects to providing \$1.4 billion for Amtrak, which will perpetuate a flawed model for intercity passenger rail.”*

- **Tenant-Based Rental Assistance (Section 8 Vouchers):** The bill provides \$16.391 billion for this program, which is an increase of \$61 million over the House-passed level.
- **Project-Based Rental Assistance:** The omnibus includes \$6.38 billion for project-based rental assistance, which is \$98 million less than the House funding level and \$568.8 million more than the President’s budget request.
- **Homeless Veterans:** The bill provides \$75 million for housing vouchers for homeless veterans.
- **Revitalization of Severely Distressed Public Housing (HOPE VI):** The bill appropriates \$100 million for HOPE VI grants which is \$20 million less than House-passed funding levels. The President’s budget proposed zero funding for FY2008 and rescinding all of the FY2007 funding (\$99 million).
- **American Dream Downpayment Initiative:** The bill provides \$10 million for the ADDI. The President requested \$50 million for FY2008 for this program that was created to promote homeownership and to revitalize and stabilize communities. The House- passed bill did not fund this program.
- **Foreclosure Mitigation:** The bill provides \$180 million through the Neighborhood Reinvestment Corporation for foreclosure mitigation counseling activities.